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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,340	11/09/2001	Jason K. Trotter	ITWO:0014/YOD 13084	5849

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Tait R. Swanson  
Fletcher, Yoder & Van Someren  
P.O. Box 692289  
Houston, TX 77269-2289

EXAMINER
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SPISICH, GEORGE D

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/037,340

Applicant(s)

TROTTER ET AL.

Examiner

George D. Spisich

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) 20,22,23,36,38 and 54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19,21,24-35,37,39-53,55 and 56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Species A in Figures 1-4 in Paper No. 6 is acknowledged. Claims 1-19, 21, 24-35, 37, 39-53 and 55-56 read on elected Species A shown in Figures 1-4. Claims 20, 22, 23, 36, 38 and 54 have been withdrawn from consideration as they relate to non-elected species. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly the restriction is maintained and made final.

### ***Information Disclosure Statement***

Though it appears that the Information Disclosure Statement submitted as Paper No. 4 appears to relate to the present application based on the PTO-1449 cover sheet, Examiner would like to draw attention to the fact that no references even remotely relate to the present invention. The vast majority of the references relate to ball joints. Examiner is uncertain that this IDS was meant to be filed with the present application.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-14 and 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 is unclear. It is not accurate or clear to claim that the "conduits comprise a desired pair of the first chambers".

Claim 12 is unclear. It is not accurate and clear to claim that the "conduits comprise a variable volume chamber assembly".

In each of these claims, the conduits do not comprise these elements as part of their makeup.

Claim 13 is unclear. The variable volume chamber does not comprise a diaphragm. The piston assembly or intermediate chamber comprises a diaphragm. If "variable volume chamber" is changed to "intermediate chamber" there will be a problem with "lack of antecedent basis" since the intermediate chamber has not yet been claimed in claims that claim 13 depends from.

Claim 14 is unclear. The variable volume chamber does not comprise a spring loaded piston assembly. The intermediate chamber comprises a spring loaded piston assembly. If "variable volume chamber" is changed to "intermediate chamber" there will

Art Unit: 3616

be a problem with "lack of antecedent basis" since the intermediate chamber has not yet been claimed in claims that claim 14 depends from.

In claim 53, it is unclear to claim that the conduit is intercoupled to first chambers of a first pair. It is shown and understood to intercouple first and second chambers from a first pair.

Claims 49-53, 55 and 56 recites the limitation "intercoupling chambers of a plurality of the piston-cylinder assemblies" in claim 49, line 4. There is insufficient antecedent basis for this limitation in the claim. Only a single piston cylinder assembly is claimed in line 2 of claim 49, and a plurality is claimed in line 4.

Examiner suggests replacing "a piston-cylinder assembly" with - - a plurality of piston cylinder assemblies - - in line 2, and replacing "a plurality" with - - the plurality - - in line 4.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 10-12, 15, 17-19, 21, 28, 31-35, 37, 39-50, 53, 55 and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by MacLeod (USPN 5,794,966).

Art Unit: 3616

MacLeod discloses a vehicle suspension stabilizer system comprising a plurality of piston cylinder assemblies (10a' and 10b') comprising a closed cylinder, a piston assembly movably disposed in the closed cylinder first and second variable chambers (18 and away from piston and rod) disposed on opposite sides of the piston assembly. MacLeod also discloses a linkage members (28) extending through a wall of the closed cylinder for coupling to a first and second movable suspension member (see Figs. 6b-6d and 7) where multiple sets of the variable chambers are fluidly and inversely coupled with conduits (38) to distribute forces between the movable suspension members.

MacLeod discloses that the resistance between the piston assembly pairs is fluid. Also, it is disclosed that the piston cylinder assemblies could be arranged and fluidly interconnected between passenger and driver sides of a vehicle to distribute lateral loads encountered by the vehicle (as shown in Fig. 6b) or the assemblies could be arranged and fluidly interconnected between forward and rearward portions of a vehicle to distribute longitudinal loads encountered by the vehicle (as shown in Figs. 6c or 6d).

It is understood that the suspension stabilizer system as disclosed by MacLeod would have a method of assembly/forming and a method of operation as claimed in method claims 31+ and 49+.

Art Unit: 3616

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-9, 14, 24-27, 30, 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacLeod in view of de Molina (USPN 5,823,306).

MacLeod has been discussed in a prior rejection. However, MacLeod does not disclose a piston assembly comprising first and second pistons disposed about an intermediate chamber, and a resistance mechanism being a spring disposed in the intermediate chamber.

de Molina discloses a stabilizer having a piston assembly disposed in a cylinder and the piston assembly comprises first and second pistons (80 and 90) disposed about an intermediate chamber and a spring (56) assembly disposed in the intermediate chamber for providing enhanced stabilizing characteristics.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the piston of MacLeod by providing a piston assembly having first and second pistons disposed about an intermediate chamber with a spring resisting mechanism provided in the intermediate chamber as taught by de Molina for providing a stabilizer having enhanced stabilizing characteristics.



Claims 13 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacLeod in view of Lutz (USPN 3,625,321).

MacLeod has been discussed in a prior rejection. However, MacLeod does not disclose a resistance mechanism comprising a diaphragm.

Lutz discloses a stabilizer having a piston assembly in a cylinder and the piston assembly comprises first and second piston (2 and 3) disposed about an intermediate chamber (10) with a diaphragm (11) disposed within the intermediate chamber and being a resistance mechanism to enhance the stabilizing characteristics of the assembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the piston of MacLeod to provide a piston assembly having first and second pistons disposed about an intermediate chamber with a diaphragm resisting mechanism provided in the intermediate chamber as taught by Lutz for providing a stabilizer having enhanced stabilizing characteristics.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over MacLeod.

MacLeod has been discussed in a prior rejection. MacLeod does not disclose a stabilizer arrangement having variable chamber that comprise a gas.

Examiner takes Official Notice that it is well known in the vehicle stabilizer art to use air or a gas as the fluid within the stabilizing arrangement.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Grundei (USPUB2002/0027051), Sirven (USPN 5,5058,868), Toti et al. (USPN 4,606,551), Lund (USPN 5,174,603), Heyring (USPN 5,447,332), Weiss (USPN 6,267,387), Heyring et al. (USPN 6,270,098), Franzini (USPN 6,318,742), Kincaid et al. (USPN 6,517,094), Franzini (USPUB 2001/0006285), EP 1 138 531 A1.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (703) 305-6495. The examiner can normally be reached on Monday to Friday 6:00-3:30 except alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-1113.

gds  
July 24, 2003



  
ERIC CULBRETH  
PRIMARY EXAMINER

7/25/03